

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:07 CR 118

FILED
IN COURT
ASHEVILLE, N.C.

DEC 06 2007

U.S. DISTRICT COURT
W. DIST. OF N.C.

UNITED STATES OF AMERICA,

Vs.

DENNIS CLARY,

Defendant.

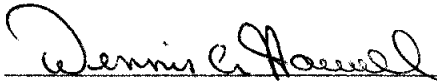
ORDER CONCERNING
FACTUAL BASIS

THE DEFENDANT came before the court on December 6, 2007 and participated in a Rule 11 inquiry whereby the defendant entered a plea of guilty to count one as contained in the Bill of Information, that being a charge that the defendant knowingly and willfully conducted and operated an illegal gambling business in violation of Title 18 U.S.C. § 1955. The undersigned has now been directed by the District Court to make inquiry of the defendant to determine whether or not there is a factual basis for the plea of guilty of the defendant.

The undersigned having made inquiry upon the record of the defendant who has been first duly sworn to tell the truth finds that in the above entitled matter that the defendant is fully competent and capable of entering an informed plea; that his plea of guilty to the charge contained in the Bill of Information is knowing and voluntary. The undersigned further finds that the plea of guilty is supported by an independent basis of fact containing each of the elements of the offense charged against the defendant in count one of the Bill of Information.

Accordingly, the undersigned accepts the plea of guilty to count one as contained in the Bill of Information and adjudges the defendant to be guilty of those offenses.

This the 6th day of December 2007.



DENNIS L. HOWELL, UNITED STATES
MAGISTRATE JUDGE